IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6751 of 2007()

(CRIME NO.1077/2007 OF KOLLAM EAST POLICE STATION,KOLLAM)

PETITIONER/3RD ACCUSED:

SHIBU, S/O APPU,
THODIYIL PADINJATTATHIL VEEDU,
NEHRU NAGAR - 145, VADAKKEVILA P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENT: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KOLLAM EAST POLICE
STATION, KOLLAM DISTRICT, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

B.A.No. 6751 of 2007

= = = = = = = = = = = = = =

Dated this the 13th day of November, 2007

ORDER

Application for anticipatory bail. Petitioner is the 3rd accused. Altogether there are five accused persons. They face allegations for offences punishable, inter alia, under Section 308 read with 149 IPC. The alleged incident took place on 14.10.07. There are two injured persons. No serious injury has been suffered by any of them. It is alleged that on account of prior animosity, the victim was attacked with iron rods. 1st accused has already been arrested and granted bail. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The allegations under Section 308 I.P.C has been included unnecessarily without any valid justification. The allegations are raised only to vex and harass the petitioner and to ensure that the petitioner remains in custody for a long period as possible under Section 308 I.P.C as it is exclusively triable by the Court of Sessions.

3. The learned Public Prosecutor does not oppose the

application. I am satisfied that anticipatory bail can be granted to the petitioner, subject of course to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 20.11.2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 21.10.07 and 22.10.07 and thereafter he shall make himself available for interrogation on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 20.11.07, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 21.11.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE